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Atty. Docket #: 5001.1060

Title: **SYSTEM AND METHOD  
PERMITTING MERCHANTS TO  
USE ELECTRONIC BILLBOARD  
DISPLAYS TO CARRY  
ADVERTISEMENTS FOR  
PRODUCTS THAT CAN BE  
PURCHASED THROUGH A  
UNIVERSAL, AUTOMATED  
ORDER PROCESSING SYSTEM**

I hereby certify that this paper is being transmitted by facsimile on the date indicated below to the following facsimile number: (703) 872-9306

Signature Gregory Scott Smith, Reg. No. 40,819  
Date of Deposit: February 9, 2004

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Mail Stop Non-Fee Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

To the Office:

Applicant is now in receipt of the January 7, 2004 Official Communication from the Office setting forth a species election requirement. Because the one month period to respond fell

on a Saturday, the time to respond is automatically extended to February 9, 2004. This communication is fully responsive to the January 7, 2004 Official Communication.

It is noted that the present attorneys of record filed a response on September 17, 2003 answering the Office's March 17, 2003 Official Communication. In September 17, 2003 response, the following items actions were requested:

- (a) cancellation of claims 8-9 without prejudice;
- (b) petition for Office to treat this application as a continuation in part of Serial Number 09/416,333; and
- (c) amendment to the specification.

Also on September 17, 2003, the applicant's prior counsel filed a continuation application based on the present application.

Based on the present Official Communication, applicants are assuming the following:

- (a) the petition was granted by the Office to treat this application as a continuation in part of Serial Number 09/416,333 and thus, the art cited in the March 17, 2003 application is not longer considered a valid prior art reference; *why can't be used*

- (b) the response was accepted by the Office and thus, the Office will refund the filing fee for the continuation application to the previous counsel; and

- (c) the amendments to the specification were entered.

The present Official Communication imposes a species election. Please enter the following amendments and accept the species election provided for in the remarks section.

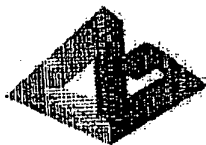
FEB 09 2004 6:03PM

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P. 1

FEB 09 2004



**LAVA GROUP**  
uncovering latent value

## FACSIMILE TRANSMITTAL

To : Mail Stop Non-Fee Amendment  
EXAMINER : Nguyen, Cuong H.  
FACSIMILE : (703) 872-9306  
PHONE : (703) 305-4553  
SERIAL NO. : 09/465,730

FROM : Gregory S. Smith

DATE : February 9, 2004

NO. OF PAGES (INCLUDING COVER): 17

LAVA GROUP FILE #: 05001.1040

Response to Restriction Requirement  
Incomplete Application

under 37 CFR 1.62 and 1.63

This Transmission Includes the Following Items

- ☒ Response to Restriction Requirement  
☐ Transmittal

SIGNATURE OF APPLICANT/ATTORNEY

COMMENTS:

115 PERIMETER CENTER PLACE  
SUITE 150, SOUTH TERRACES  
ATLANTA, GEORGIA 30346-1248

TELEPHONE: 404 815 9300  
DIRECT: 770 804 9070  
FACSIMILE: 770 804 0900


PTO/SB/21 (08-03)

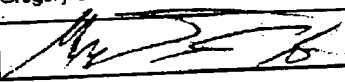
Approved for use through 08/30/2003. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/465,730	
	Filing Date	May 17, 2000	
	First Named Inventor	HUNTER, Charles Eric	
	Art Unit	3625	
	Examiner Name	NGUYEN, Cuong H.	
Total Number of Pages in This Submission	27	Attorney Docket Number	05001.1040

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	LAVA Group Law by Smith & Frohwein	
Signature		
Date	Feb 9, 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Gregory Scott Smith	
Signature		Date Feb 9, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.